

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Anthony Fitzgerald Baker**

Docket No. **269899**

L.C. No. **00-018922 FH, 00-018924 FC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed on April 21, 2006, is DISMISSED for lack of jurisdiction because the application for leave to appeal was not filed within 12 months of the February 14, 2001, judgments of sentence as required by MCR 7.205(F)(3), and the August 10, 2005, request for appointed appellate counsel was not made within 12 months of the judgments of sentence as required by MCR 7.205(F)(4). See *People v Houlihan*, \_\_\_ Mich \_\_\_ (2008) (No. 128340, decided April 18, 2008), citing *Simmons v Kapture*, \_\_\_ F3d \_\_\_ (Docket No. 03-2609), for the rule that *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed2d 552 (2005), does not have retroactive application.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 8 2006

Date

*Sandra Schultz Mengel*

Chief Clerk